

IAP15 Rec'd PCT/PTO 37 AUG 2006 DCT \$

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/550,759	
	Filing Date	March 26, 2004	
	First Named Inventor	Semlyen	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	10	Attorney Docket Number	13180-79

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input checked="" type="checkbox"/> Petition for Revival  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Response Letter to Commissioner re: Petition for Revival</b> <b>Transmittal Letter Under 35 USC 371 (duplicate)</b> <b>Return Receipt Postcard</b>
Remarks		<b>RECEIVED</b> 11 AUG 2006 Legal Staff International Division

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Stephen M. Beney Registration No. 41,563 BERESKIN & PARR
Signature	
Date	August 4, 2006

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# Bereskin & Parr

INTELLECTUAL PROPERTY LAW

August 4, 2006



Stephen M. Beney B.Sc. (Physics)  
416 957 1697 sbeney@bereskinparr.com

Your Reference: 10/550759  
Our Reference: 13180-79

## Mail Stop PCT

The Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA  
U.S.A 22313-1450

Dear Commissioner:

**Re: United States Patent Application No. 10/550759**  
**For: DIAGNOSES OF DISEASE BY DETERMINATION OF ELECTRICAL**  
**NETWORK PROPERTIES OF A BODY PART**  
**Filed: March 26, 2004**  
**Applicant: Semlyen**

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The applicant attaches hereto the following:

1. A petition for revival (form PTO/SB/64/PCT);
2. Petition fee, and
3. Proper reply (including the missing 35 USC 371(c) requirements in the form of a Response and payment of the U.S. Basic National Fee).

In view of the forgoing, favourable consideration of this petition as well as revival of the application is respectfully requested.

Yours truly,

Stephen M. Beney  
/np  
Encl.

Manulife Corporate Park, 6733 Mississauga Road, Suite 600, Mississauga, Ontario L5N 6J5  
Tel: 905.812.3600 Fax: 905.814.0031 [www.bereskinparr.com](http://www.bereskinparr.com)

TORONTO MISSISSAUGA WATERLOO MONTREAL



**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number  
(Optional)  
13180-79

First Named Inventor: Semlyen

International (PCT) Application No.: PCT/CA2004/000458

U.S. Application No.: 10/550,759  
(if known)

Filed: March 26, 2004

Title: DIAGNOSIS OF DISEASE BY DETERMINATION OF ELECTRICAL NETWORK PROPERTIES  
OF A BODY PART

Attention: PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity - fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity - fee \$1500.00 (37 CFR 1.17(m))

08/10/2006 KAYPAGH 00000071 10550759

05 FC:2453 750.00 0P

**2. Proper reply**

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of  
a Response and payment of the full U.S. Basic National Fee (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee


☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

### WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

 _____ Signature	<b>August 4, 2006</b> _____ Date
Stephen M. Beney _____ Typed or Printed Name	41,563 _____ Registration Number, if applicable
40 King Street West, Toronto, Ontario, M5H 3Y2 _____ Address	416-364-7311 _____ Telephone Number
_____ Address	

Enclosures: ☒ Response  
☒ Fee Payment  
☐ Terminal Disclaimer  
☒ Other (please identify): Transmittal Letter re: 35 U.S.C. 371

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 13180-79
INTERNATIONAL APPLICATION NO. PCT/CA2004/000458		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/550,759
INTERNATIONAL FILING DATE March 26, 2004		PRIORITY DATE CLAIMED March 26, 2003
TITLE OF INVENTION Diagnosis of Disease by Determination of Electrical Network Properties of a Body Part		
APPLICANT(S) FOR DO/EO/US Adam SEMLYEN; Milan GRAOVAC		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <b>Items 11 to 20 below concern document(s) or information included:</b> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/550,759</b>	INTERNATIONAL APPLICATION NO. <b>PCT/CA2004/000458</b>	ATTORNEY'S DOCKET NUMBER <b>13180-79</b>
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20. Other items or information: Response to Notification of Abandonment with Petition for Revival (Form PTO/SB/64/PCT)

The following fees are submitted:	CALCULATIONS	PTO USE ONLY																				
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....\$300	\$ 300.00																					
22. <input checked="" type="checkbox"/> Examination Fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations .....\$200	\$ 200.00																					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....\$100 International Search Report prepared by an ISA other than the US and provided in the Office or previously communicated to the US by the IB.....\$400 All other situations .....\$500	\$ 500.00																					
<b>TOTAL OF 21, 22 and 23 =</b>	<b>\$ 1,000.00</b>																					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821 (c) or (e) computer program listing filed in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Total Sheets</th> <th style="width: 15%;">Extra sheets</th> <th style="width: 35%;">Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th style="width: 35%;">RATE</th> </tr> <tr> <td>- 100 =</td> <td>0/50 =</td> <td></td> <td>x \$250</td> </tr> </table>	Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	- 100 =	0/50 =		x \$250	\$ 0													
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE																			
- 100 =	0/50 =		x \$250																			
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).	\$																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 15%;">NUMBER FILED</th> <th style="width: 15%;">NUMBER EXTRA</th> <th style="width: 15%;">RATE</th> <th style="width: 40%;">\$</th> </tr> <tr> <td>Total claims</td> <td>36 - 20 =</td> <td>16</td> <td>x \$50</td> <td>\$ 800.00</td> </tr> <tr> <td>Independent claims</td> <td>2 - 3 =</td> <td>0</td> <td>x \$200</td> <td>\$ 0</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360</td> <td>\$</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total claims	36 - 20 =	16	x \$50	\$ 800.00	Independent claims	2 - 3 =	0	x \$200	\$ 0	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$																		
Total claims	36 - 20 =	16	x \$50	\$ 800.00																		
Independent claims	2 - 3 =	0	x \$200	\$ 0																		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$																		
<b>TOTAL OF ABOVE CALCULATIONS =</b>	<b>\$ 1,800.00</b>																					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	\$ 900.00																					
<b>SUBTOTAL =</b>	<b>\$ 900.00</b>																					
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$																					
<b>TOTAL NATIONAL FEE =</b>	<b>\$</b>																					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	\$																					
<b>TOTAL FEES ENCLOSED =</b>	<b>\$ 900.00</b>																					
	Amount to be refunded:	\$																				
d:	Amount to be charged:																					

- a. ☒ A check in the amount of \$ 900.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 02-2095 in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment of Deposit Account No. 02-2095 . A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charge to a credit card. **WARNING** : Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.37(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Bereskin & Parr

Box 401, 40 King Street West

Toronto, Ontario

Canada M5H 3Y2

  
\_\_\_\_\_  
SIGNATURE

Stephen M. Beney

NAME

41,563

REGISTRATION NUMBER